

1  
2  
3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 ADRIAN MITCHELL,

7 Plaintiff,

8 v.

9 JAMES SPALDING, et al.,

10 Defendants.

NO. C06-197 MJP

ORDER OF DISMISSAL

11 Plaintiff, a state prisoner, filed a civil rights action pursuant to 42 U.S.C. § 1983 on February  
12 8, 2006, and filed an amended complaint on April 21, 2006. (Dkt. No. 8). Magistrate Judge Benton  
13 reviewed the amended complaint and issued a report and recommendation on November 9, 2006.  
14 (Dkt. No. 10). The original noting date for the report and recommendation was December 1, 2006.  
15 The report and recommendation and accompanying documentation were inadvertently mailed to the  
16 incorrect address. On December 14, 2006, the report and recommendation were returned as  
17 undeliverable. (Dkt. No. 11). On December 18, 2006, the Court issued a minute order, directing the  
18 clerk to send copies of the report and recommendation and accompanying documents to the address  
19 currently on file for Mr. Mitchell, and re-noting the report and recommendation for January 12, 2007.  
20 (Dkt. No. 12). That minute order was also returned as undeliverable. (Dkt. No. 13). On February 13,  
21 2007, the Court issued an Order requiring that Mr. Mitchell provide the Court with his current address  
22 by March 5, 2007, or the case would be dismissed.

23 The Court has received no further word from Mr. Mitchell. Accordingly, the Court  
24 DISMISSES this case without prejudice for failure to prosecute. See Local Civil Rule 41(b)(2).  
25

1 The clerk is directed to send copies of this order to (a) the two known addresses for Plaintiff  
2 — **3706 S. Yakima, Tacoma, WA, 98418** and **3817 S. Yakima, and Tacoma, WA, 98418**, and (b)  
3 Magistrate Judge Benton.

4 Dated: March 7, 2007.



Marsha J. Pechman  
United States District Judge